CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Muncipal Clerk**

AGENDA DATE: **February 15, 2005**

CONTACT PERSON/PHONE: **Richarda Duffy Momsen / 915-541-4127**

DISTRICT(S) AFFECTED: All Districts

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

Authorize the Mayor to sign an Interlocal Governmental Agreement with Ysleta Independent School District to share the cost of the May 7, 2005 General Election.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Instead of bearing the whole cost, we share the cost by combining our elections.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes – in previous election years where the Ysleta Independent School District and City elections coincide on the same uniform election date.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No cost to the City; rather the City pays a prorated share of the May 7, 2005 election costs.

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

N/A

*******************REQUIRED AUTHORIZATION*******************

LEGAL: (if required) _____   **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
                              (Example: if RCA is initiated by Purchasing, client department should sign also)
                              Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____   **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the

City of El Paso and Ysleta Independent School District to allow for a joint election on May 7, 2005

for the purpose of sharing the costs.

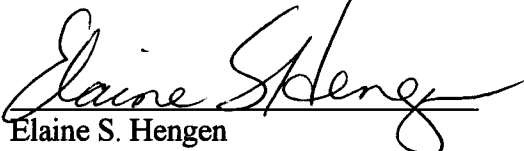APPROVED this 15th day of February, 2005.

CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Assistant City Attorney

STATE OF TEXAS §
§ Interlocal Governmental Agreement
COUNTY OF EL PASO §

This Agreement is entered into by and between the City of El Paso ("City"), a municipal corporation situated in El Paso County, Texas, and Ysleta Independent School District ("YISD"), a Texas Independent School District situated in El Paso County, Texas, pursuant to the Interlocal Cooperation Act, Art. 791.001 et seq., Texas Government Code.

WITNESSETH

WHEREAS, the City and YISD, desire to hold a joint election on May 7, 2005, for the purpose of sharing the costs of election;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1.   ARTICLE I - PURPOSE. The purpose of this Agreement is to allow the City of El Paso and YISD to hold a joint election on May 7, 2005, and a joint runoff election, if needed and if both parties designate the same date for a runoff election, pursuant to Chapter 271 of the Texas Election Code.

2.   ARTICLE II - TERM. The term of this Agreement is to commence on April 15, 2005 and to end June 15, 2005.

3.   ARTICLE III - LOCATION OF COMMON POLLING PLACES. The voters of particular election precincts may be served in the joint election(s) by a common polling place located outside the boundary of the election precinct, inasmuch as the parties hereto have determined that the locations of such polling places, as recommended by the County Elections Administrator, will adequately and conveniently serve the affected voters, and will facilitate the orderly conduct of the election, pursuant to Section 271.003 of the Texas Election Code.

4.   ARTICLE IV - ALLOCATION OF EXPENSES. The City of El Paso and the Ysleta Independent School District agree to provide to the County Election Department their respective costs as determined by the Elections Department pursuant to their respective agreements with the Election Department for the May 7 election, and the joint runoff election, if any, pursuant to Section 271.004 of the Texas Election Code. If either party does not hold a runoff election, that party shall bear no part of the costs of any runoff election. If either party cancels an election because a candidate is unopposed, then its share of the costs shall be adjusted accordingly.

5.   ARTICLE V - EARLY VOTING. The parties hereto agree to conduct their early voting for the May 7 election, and the runoff election, if needed and if both parties designate the same date for a runoff election, jointly, pursuant to Section 271.006 of the Texas Election Code.

6.   ARTICLE VI - AMENDMENTS. This Agreement may be amended by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

7.   ARTICLE VII - LEGAL CONSTRUCTIONS. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8.   ARTICLE VIII - ENTIRE AGREEMENT. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.
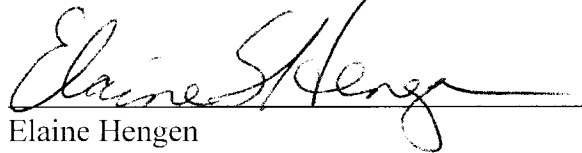
EXECUTED THIS 9th day of February , 2005.
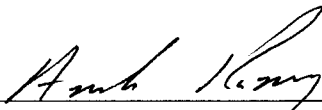
THE CITY OF EL PASO

_____
Joseph Wardy, Mayor

ATTEST:

_____
City Clerk
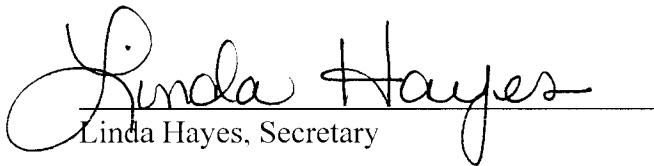
APPROVED AS TO FORM:

_____
Elaine Hengen
Assistant City Attorney

THE YSLETA INDEPENDENT SCHOOL
DISTRICT

By:_____
      Andy Ramirez, President
      Board of Trustees

ATTEST:

_____
Linda Hayes, Secretary

APPROVED AS TO FORM:

_____
S/Anthony Safi
Attorney for YISD